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TO RUEHC/SECSTATE WASHDC PRIORITY 3789  
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RUEHLO/AMEMBASSY LONDON 0912  
RUEHNE/AMEMBASSY NEW DELHI 5236  
RUEHKP/AMCONSUL KARACHI 1989  
RUEHLH/AMCONSUL LAHORE 7594  
RUEHPW/AMCONSUL PESHAWAR 6554  
RHMFISS/FBI WASHINGTON DC  
RHMFISS/CDR USCENTCOM MACDILL AFB FL  
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SUBJECT: MUMBAI PROSECUTION UPDATE: LATEST TIME LINE

REF: ISLAMABAD 1507

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

¶1. (C) The next hearing date for the Mumbai attacks prosecution is July 18. The Federal Investigative Agency (FIA) and Pakistani prosecutors expect to file their formal charge sheet on July 18. The five suspects in custody, Zaki ur-Rehman Lakhvi, Hammad Ameen Sadiq, Mazhar Iqbal (aka al Qama), Abdul Wajid (aka Zarrar Shah), and Shahid Jamil Riaz, were provided copies of informal charge sheets against them on May 5. However, the FIA has not formally indicted the suspects with a final charge sheet due to the earlier absence of an Anti-Terror Court (ATC) judge. On July 6, a new judge, Baqir Ali Rana, took charge of the ATC bench in Rawalpindi. Though the court has postponed hearing the case numerous times in the last three months, the FIA assesses that Rana will proceed with the hearing.

¶2. (C) The final charge sheet will be almost identical to the informal charge sheet from May 5. (Note. A copy of the informal charge sheet has been emailed to SCA/P. End Note.) The final charge sheet will include some additional forensic findings from the FBI and testimony of FBI agents who interviewed Kasab in Mumbai. According to the FIA, if the indictment is filed on July 18 then the substantive hearing will begin after 7 days. The only way to delay the hearing after the indictment is for the FIA to arrest one or more of the 13 absconders named in the charge sheet. The absconders are suspects whom the FIA has not been able to trace. If any of them are arrested, the court will grant the FIA more time to build its case.

¶3. (C) A Post Legatt investigator is in Amman, Jordan obtaining evidence from the head of CallPhonex. On July 16, the FIA will be sending an investigator to join the USG investigator and to personally obtain certified CallPhonex records in Amman.

PATTERSON